

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRANDON MOODY,

Plaintiff

v.

JOHN WETZEL, *et al.*,

Defendants

Civil No. 3:18-cv-53

(Judge Mariani)

FILED  
SCRANTON

JUL 19 2023

PER

DEPUTY CLERK

ORDER

AND NOW, this 15<sup>th</sup> day of July, 2023, upon consideration of Plaintiff's motion

(Doc. 135) for leave to file a third amended complaint,<sup>1</sup> and the Court finding that allowing Plaintiff leave to amend may be futile, causes prejudice to the non-moving parties, follows a series of repeated attempts to cure deficiencies in amendments previously allowed, and may lead to undue delay as the instant motion was filed more than three years after the commencement of this action and after the Court has granted several extensions of the discovery deadline, *see Long v. Wilson*, 393 F.3d 390, 400 (3d Cir. 2004) (leave to amend under Rule 15(a) should be granted unless an amendment would be futile or there has been undue delay in the amendment, the court finds bad faith or dilatory motive by the moving party, the moving party has demonstrated repeated failure to cure deficiency by amendments previously allowed, or an amendment would cause prejudice to the non-

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<sup>1</sup> Plaintiff's proposed third amended complaint is 51 pages in length and consists of 224 paragraphs. (Doc. 136).

moving party), and the Court thus finding that putting the Defendants through the time and expense of continued litigation, with the possibility of additional discovery, including another deposition of Plaintiff, would be significantly prejudicial, *see Cureton v. National Collegiate Athletic Ass'n*, 252 F.3d 267, 273 (3d Cir. 2001) (“substantial or undue prejudice to the non-moving party is a sufficient ground for denial of leave to amend”) (citing *Lorenz v. CSX Corp.*, 1 F.3d 1406, 1414 (3d Cir. 1993)), **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 135) is **DENIED**. The proposed third amended complaint (Doc. 136) is **REJECTED**.
2. The stay of the dispositive motion deadline (Doc. 138) shall remain in effect pending resolution of the discovery-related issues in this matter.

A handwritten signature in black ink, appearing to read 'Robert D. Mariani', written over a horizontal line.

Robert D. Mariani  
United States District Judge